

REMARKS

In the Office Action dated May 3, 2006, the Examiner has required restriction between Group I, having claims 28-44 and described as being drawn to comparing the status level of two portable gaming devices, classified in class 463, subclass 73; and Group II, having claims 45-54 and described as being drawn to determining the level of authorization or access rights for an event or location, using a portable device, classified in class 380, subclass 45.

In response to the restriction requirement set forth in the Office Action, Applicant elects Group I, claims 28-44 for continued examination.

This restriction requirement is traversed. Applicant appreciates the Examiner's indication, in stating that the independent claims are each distinct, that the independent claims are each patentable (novel and unobvious) over each other. However, a proper restriction requirement also requires a showing of a serious burden on the Examiner. (See, *e.g.*, Manual of Patent Examining Procedure, § 803). Since the Examiner has already searched, issued an office action on the merits, and received a substantive response regarding claims sets corresponding to the pending claim sets, it is clear that the requirement of a serious burden on the Examiner is absent with regard to this proposed restriction requirement. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the restriction requirement.

Applicant submits that the application is in condition for allowance for the reasons stated in the Amendment filed with the Request for Continued Examination on February 10, 2006. If any further issues remain, the Examiner is invited to telephone the undersigned to resolve them.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 18-0013, under Order No. SOA-0394 from which the undersigned is authorized to draw.

Dated: May 16, 2006

Respectfully submitted,

By

Ronald P. Kananen

Registration No.: 24,104

Christopher M. Tobin

Registration No.: 40,290

RADER, FISHMAN & GRAUER PLLC

1233 20th Street, N.W.

Suite 501

Washington, DC 20036

(202) 955-3750

Attorney for Applicant